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HOUSE BILL 247

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO THE CHILDREN' S CODE; CLARIFYING A MEMBER OF THE  
CLERGY' S DUTY TO REPORT CHILD ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-4-3 NMSA 1978 (being Laws 1993,  
Chapter 77, Section 97, as amended) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD NEGLECT--  
RESPONSIBILITY TO INVESTIGATE CHILD ABUSE OR NEGLECT--  
PENALTY. --

A. Every person, including [~~but not limited to~~] a  
licensed physician; a resident or an intern examining,  
attending or treating a child; a law enforcement officer; a  
judge presiding during [~~any~~] a proceeding; a registered nurse;  
a visiting nurse; a schoolteacher; [~~or~~] a school official; [~~or~~]  
a social worker acting in an official capacity; or a member of

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1 the clergy who has information that is not privileged as a  
2 matter of law, who knows or has a reasonable suspicion that a  
3 child is an abused or a neglected child shall report the matter  
4 immediately to:

5 (1) a local law enforcement agency;

6 (2) the department office in the county where  
7 the child resides; or

8 (3) a tribal law enforcement or social  
9 services [~~agencies~~] agency for any Indian child residing in  
10 Indian country.

11 B. [~~Any~~] A law enforcement agency receiving the  
12 report shall immediately transmit the facts of the report and  
13 the name, address and phone number of the reporter by telephone  
14 to the department office in the county where the child resides  
15 and shall transmit the same information in writing within  
16 forty-eight hours. [~~Any~~] A department office [~~of the~~  
17 ~~department~~] receiving a report shall immediately transmit the  
18 facts of the report and the name, address and phone number of  
19 the reporter by telephone to a local law enforcement agency and  
20 shall transmit the same information in writing within forty-  
21 eight hours. The written report shall contain the names and  
22 addresses of the child and the child's parents, guardian or  
23 custodian, the child's age, the nature and extent of the  
24 child's injuries, including any evidence of previous injuries,  
25 and other information that the maker of the report believes

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1 might be helpful in establishing the cause of the injuries and  
2 the identity of the person responsible for the injuries. The  
3 written report shall be submitted upon a standardized form  
4 agreed to by the law enforcement agency and the department.

5 C. The recipient of ~~[the]~~ a report under Subsection  
6 A of this section shall take immediate steps to ensure prompt  
7 investigation of the report. The investigation shall ensure  
8 that immediate steps are taken to protect the health or welfare  
9 of the alleged abused or neglected child, as well as that of  
10 any other child under the same care who may be in danger of  
11 abuse or neglect. A local law enforcement agency is  
12 responsible for investigating reports of alleged child abuse or  
13 neglect at schools, daycare facilities or child care  
14 facilities.

15 D. If the child alleged to be abused or neglected  
16 is in the care or control of or in a facility administratively  
17 connected to the department, the report shall be investigated  
18 by local law enforcement. The investigation shall ensure that  
19 immediate steps are taken to protect the health or welfare of  
20 the alleged abused or neglected child, as well as that of any  
21 other child under the same care who may be in danger of abuse  
22 or neglect.

23 E. A law enforcement agency or the department  
24 shall have access to any of the records pertaining to a child  
25 abuse or neglect case maintained by any of the persons

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1 enumerated in Subsection A of this section, except as otherwise  
2 provided in the Abuse and Neglect Act.

3 F. ~~Any~~ A person who violates the provisions of  
4 Subsection A of this section is guilty of a misdemeanor and  
5 shall be sentenced pursuant to the provisions of Section  
6 31-19-1 NMSA 1978. "

7 Section 2. EFFECTIVE DATE. --The effective date of the  
8 provisions of this act is July 1, 2003.

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